

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Second Periodic Review of the	)	MB Docket No. 03-15
Commission's Rules and Policies	)	
Affecting the Conversion	)	
To Digital Television	)	
	)	

**REPLY COMMENTS OF HARRIS CORPORATION**

Harris Corporation ("Harris") respectfully submits these Reply Comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding concerning the periodic review of the Commission's rules and policies affecting the transition to digital television ("DTV").<sup>1</sup>

Harris observes that there is widespread agreement in the Comments submitted in the record of this proceeding on: (1) the need for an intermediate DTV signal coverage deadline so that consumers can have sufficient access to DTV signals to drive the transition; (2) the wisdom of adopting the full PSIP standard and requiring broadcasters to transmit all of the information in PSIP in their DTV signals; and (3) the importance of quickly establishing rules covering the operating parameters of digital booster, repeater and translator facilities. Swift Commission

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<sup>1</sup> *In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 03-15, *Notice of Proposed Rulemaking*, 18 FCC Rcd 1279 (2003).

action on these three issues would accelerate the DTV transition. In particular, in light of the strong support, including qualified acceptance by broadcasters, for an intermediate signal coverage requirement and the primary importance that providing consumers access to DTV signals has within the DTV transition framework, Harris urges the Commission to release at the earliest practicable time an Order adopting rules to require all broadcasters to cover their Grade A contour area with their DTV signals by July 1, 2004.

**I. THE COMMISSION SHOULD QUICKLY ESTABLISH A JULY 1, 2004 INTERMEDIATE GRADE A DTV CONTOUR COVERAGE DEADLINE FOR ALL BROADCASTERS TO ENSURE THAT CONSUMERS HAVE SUFFICIENT ACCESS TO DTV SIGNALS**

There is significant agreement in the Comments on the need for an intermediate coverage deadline for broadcasters' DTV signals in order to ensure that consumers have sufficient access to DTV signals. In their Joint Comments, The Association for Maximum Service Television, Inc. and The National Association of Broadcasters ("MSTV and NAB") state that they "are sympathetic to the Commission's desire to ensure that broadcasters provide a sufficient level of service to drive DTV investment by consumers in their markets," and "[f]or that reason, they do not oppose an intermediate signal requirement...."<sup>2</sup> Belo Corp. also states that it "does not object to such a requirement...as it would facilitate the Commission's goal of ensuring that 'the maximum number of consumers is able to receive digital television signals as quickly as possible while providing broadcasters a realistic timetable for increasing to full power.'"<sup>3</sup> Furthermore,

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<sup>2</sup> Joint Comments of The Association for Maximum Service Television, Inc. and The National Association of Broadcasters, MB Docket No. 03-15, at 13-14 (filed April 21, 2003) ("*MSTV/NAB Comments*").

<sup>3</sup> Comments of Belo Corp., MB Docket No. 03-15, at 10 (filed April 21, 2003) (citing *NPRM* at ¶ 36) ("*Belo Comments*").

similar to what Harris recommended in its Comments,<sup>4</sup> MSTV and NAB, in its discussion of the options available for an intermediate signal coverage deadline, proffer that the Commission might consider adopting a Grade A contour coverage requirement.<sup>5</sup>

Harris believes that such a Grade A contour intermediate signal coverage requirement would serve to alleviate the concerns, which numerous parties express in their Comments, that broadcasters' DTV signals currently are not reaching enough consumers to drive the transition.<sup>6</sup> Several commenters point out that, despite the fact that the Commission has adopted remedial measures for broadcasters,<sup>7</sup> only about half of the broadcast stations with DTV channel allotments are currently on-the-air transmitting DTV signals, and out of that surprisingly small group, less than half of those stations are transmitting at full power.<sup>8</sup> As the Consumer Federation of America observed, when stations transmit their DTV signals at less than full power "...that means that some percentage of homes within their analog service area cannot receive

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<sup>4</sup> See Comments of Harris Corporation, MB Docket No. 03-15, at 4-6 (filed April 21, 2003) ("*Harris Comments*"). See also Comments of Thomson Inc., MB Docket No. 03-15, at 8 (filed April 21, 2003) ("*Thomson Comments*").

<sup>5</sup> *MSTV/NAB Comments* at 14.

<sup>6</sup> See e.g., Comments of the Consumer Federation of America, MB Docket No. 03-15 at 3-4 (filed April 21, 2003) ("*CFA Comments*"); Comments of the Consumer Electronics Association, MB Docket No. 03-15, at 7-10, 16-17 (filed April 21, 2003) ("*CEA Comments*"); *Thomson Comments* at 5-8; Comments of the National Cable & Telecommunications Association, MB Docket No. 03-15, at 7-8 (filed April 21, 2004) ("*NCTA Comments*"); Comments of the American Cable Association, MB Docket No. 03-15, at 7-9 (filed April 21, 2003) ("*ACA Comments*").

<sup>7</sup> See *Remedial Steps For Failure to Comply With Digital Television Construction Schedule*, MM Docket No. 02-133, *Report and Order & Memorandum Opinion and Order on Reconsideration*, 18 FCC Rcd 7174 (rel. April 16, 2003).

<sup>8</sup> See *CFA Comments* at 3; *CEA Comments* at 7-9.

[the station's] analog signals.”<sup>9</sup> Furthermore, cable operators report that many of the broadcasters' DTV signals often are not strong enough to reach the cable systems' headends.<sup>10</sup>

As Harris stated in its Comments, it is very cognizant of the significant burdens that broadcasters face in the building out of their stations' digital facilities.<sup>11</sup> Harris, however, also believes that the Commission's overarching objective at this stage of the DTV transition is to facilitate consumer access to DTV signals and programming. Based on the Comments, it appears that most industries involved in the transition are making progress: programmers are making available greater amounts of high quality and high definition (“HD”) programming, consumer electronics (“CE”) manufacturers are making the DTV products that consumers demand progressively more affordable, and cable operators are spending billions of dollars upgrading and converting their systems to digital. Nevertheless, as the Commission, the broadcast industry and others have recognized, consumer access to DTV signals—whether delivered over-the-air, or by cable or satellite—will drive the transition.<sup>12</sup> At the most fundamental level, the success of the DTV transition depends on broadcasters transmitting their DTV signals to suburban viewers, who constitute a primary constituency for the early and enthusiastic embrace of the digital television experience. If only about half of all broadcasters

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<sup>9</sup> *CFA Comments* at 3.

<sup>10</sup> *See ACA Comments* at 7-9. *See also NCTA Comments* at 7-8.

<sup>11</sup> *Harris Comments* at 3, 6.

<sup>12</sup> Capitol Broadcasting Company provided a powerful example in its Comments of how consumer access to DTV signals and HD programming will drive the transition by stating that when its DTV station “broadcast ten Carolina Hurricanes hockey games in HD, HD TV displays sales spiked and subscribers to HD cable set-top boxes doubled.” *See Comments of Capitol Broadcasting Company*, MB Docket No. 03-15, at 11 (filed April 21, 2003) (“*Capitol Comments*”).

have a DTV channel on-the-air and more than half of those with a DTV signal on-the-air are transmitting at low power, then clearly, broadcasters currently are not providing consumers—particularly suburban viewers—with sufficient access to digital television to spark consumer interest in making expenditures on exciting, new DTV products.

Harris recognizes that the broadcasters condition their non-opposition to an intermediate signal coverage deadline on the Commission extending the maximization and replication deadlines for a considerable period beyond what the Commission proposes in the NPRM. Harris is concerned that further extension of these deadlines is a recipe for delaying the ultimate conversion to DTV and will only serve to deny broadcasters—and indeed, all the participants in the transition—the level of regulatory certainty that they seek to make informed decisions, develop business plans and make necessary equipment purchases. Harris believes that the fact that broadcasters do not oppose an intermediate signal coverage requirements is evidence that the broadcasters themselves recognize that they are not providing consumers with sufficient access to DTV signals to drive the transition, and that something needs to be done. Harris also notes that a considerable number of Comments were filed that urge the Commission to maintain and strictly enforce its current transition deadlines or adopt more aggressive deadlines so that the government will be able to reclaim much needed spectrum liberated by the DTV conversion by the December 31, 2006 statutory target for completing the transition, and the 700 MHz spectrum

can be efficiently used by public safety organizations and the winning auction bidders.<sup>13</sup>

Accordingly, Harris urges the Commission to adopt expeditiously a rule that would require all broadcasters to cover their Grade A service contour area with their DTV signals by July 1, 2004. By requiring Grade A DTV signal coverage by July 1, 2004, the Commission will ensure that all broadcasters are providing a meaningful DTV signal to consumers in the near term, while also allowing certain broadcasters the flexibility to continue to “grow into” their digital facilities.

Importantly, by establishing this July 1, 2004 intermediate deadline, all of the industry participants involved in the transition will be working more synchronously to ensure that consumers’ adoption of DTV can grow at a rate that will allow the transition to conclude substantially closer to the statutory goal than would otherwise be the case. The proposed July 1, 2004 deadline for Grade A coverage by broadcasters’ DTV signals would coincide with the first deadline for CE manufacturers to include DTV tuners in the analog televisions that they manufacture<sup>14</sup> as well as key deadlines to enable interoperability and nationwide portability for DTV receivers established by the Cable MSO and CE manufacturers “plug and play” agreement,

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<sup>13</sup> See Comments of the Association of Public-Safety Communications Officials-International, Inc., MB Docket No. 03-15, at 2-5 (filed April 21, 2003); Comments of the New York Office of Technology, MB Docket No. 03-15, at 3, 7 (filed April 21, 2003); Comments of the Public Safety Wireless Network, MB Docket No. 03-15, at 6-7 (filed April 21, 2003); Comments of Motorola, MB Docket No. 03-15, at 6 (filed April 21, 2003); Comments of the Crown Castle USA, Inc., MB Docket No. 03-15, at 3-5 (filed April 14, 2003); Joint Comments of KanOkla Telephone Association, Inc., Peoples Telephone Cooperative, Inc. and Artic Slope Telephone Association Cooperative, MB Docket No. 03-15, at 3-6 (filed April 15, 2003); Comments of Harbor Wireless, LLC, MB Docket No. 03-15, at 5 (filed April 21, 2003); Comments of Access Spectrum, LLC, MB Docket No. 03-15, at 7-11 (filed April 21, 2003); Comments of Cavalier Group, LLC, MB Docket No. 03-15, at 23-24 (filed April 14, 2003); Comments of Datacom Wireless, LLC, MB Docket No. 03-15, at 5-8 (filed April 21, 2003); Comments of Flarion Technologies, Inc., MB Docket No. 03-15, at 3-4 (filed April 21, 2003).

<sup>14</sup> 47 C.F.R. § 15.117(i). Under the DTV tuner mandate, CE manufacturers are required to equip at least 50% of new TV broadcast receivers with screen sizes 36 inches and above with DTV tuners by July 1, 2004.

now pending before the Commission.<sup>15</sup> Therefore, under the proposed July 1, 2004 deadline, it would be certain that the industries most responsible for leading the transition would be doing their part to ensure that DTV signals and products are being made progressively more available to consumers. This simultaneous regulatory approach addresses directly the much heralded “chicken and egg” problem that has slowed the DTV transition to date.

Due to the primary importance of providing sufficient DTV signals to consumers as soon as possible, Harris urges the Commission to issue expeditiously an Order adopting the July 1, 2004 Grade A contour DTV signal coverage deadline so that broadcasters will have at least a year to take the necessary steps to meet the deadline. In the past, the Commission has separated and quickly adopted urgent and/or non-contentious issues in its rulemakings, and should do so in this instance, given the importance that consumer access to DTV signals has within the framework of the overall transition.<sup>16</sup> In addition to providing American consumers the DTV signals that they have been promised, the Commission would provide a positive signal to public safety organizations, other parties interested in 700 MHz spectrum and Congress that broadcasters are committed to completing the transition and returning their analog channels so that the spectrum can be efficiently utilized for the public good.

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<sup>15</sup> *Implementation of Section 304 of the Telecommunications Act of 1996*, CS Docket No. 97-80 and PP Docket No. 00-67, *Further Notice of Proposed Rulemaking*, 18 FCC Rcd 518, at 546 (January 10, 2003).

<sup>16</sup> By adopting a Grade A contour DTV signal coverage requirement before June 19, 2003, the Commission also would be able to report to Congress, as required under the Auction Reform Act of 2002, that progress is being made in the DTV transition. *See* Auction Reform Act of 2002, Pub. L. No. 107-195 (2002); NPRM at ¶ 23.

## **II. THE COMMISSION SHOULD IMMEDIATELY ADOPT THE A/65B PSIP STANDARD AND COMMENCE A RULEMAKING TO ESTABLISH RULES FOR DISTRIBUTED TRANSMISSION SYSTEMS AND DIGITAL BOOSTERS AND REPEATERS**

Harris notes that all commenters discussing the PSIP standard also urge the Commission to adopt the full A/65B PSIP standard and to require broadcasters to include all PSIP information in their DTV signals.<sup>17</sup> In addition, most broadcasters agree with Harris with regard to the distributed transmission systems proposed in the NPRM, and also urge the Commission to establish quickly rules for digital booster and translators facilities.<sup>18</sup> Accordingly, Harris urges the Commission to adopt the full PSIP standard—preferably at the same time it adopts the Grade A contour DTV signal coverage deadline as discussed above—and commence a rulemaking to establish the operating parameters for distributed transmission systems and digital repeaters, boosters and translator facilities.

## **III. CONCLUSION**

Making DTV signals widely available to consumers is so fundamental to accelerating the DTV transition that the Commission should take expedited action to require that broadcasters provide at least a sufficiently strong DTV signal to cover their Grade A contour area no later than

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<sup>17</sup> See *MSTV/NAB Comments* at 26-32; Comments of Advanced Television Systems Committee, Inc., MB Docket No. 03-15, at 5-8 (April 21, 2003) (“*ATSC Comments*”); Joint Comments of The Association of Public Broadcasting Stations, The Corporation for Public Broadcasting, and The Public Broadcasting Service, MB Docket No. 03-15, at 42-43 (filed April 21, 2003) (“*PTV Comments*”); Comments of Cox Broadcasting, Inc., MB Docket No. 03-15, at 7 (filed April 21, 2003) (“*Cox Comments*”); Comments of The Walt Disney Company and The ABC Television Network, MB Docket No. 03-15, at 2, 5-6 (filed April 21, 2003) (“*Disney/ABC Comments*”); *Capitol Comments* at 13; Comments of The CPB/WGBH National Center for Accessible Media, MB Docket 03-15 at 4-6; *CEA Comments* at 24-31; *Thomson Comments* at 11-12; Comments of Sharp Electronics Corporation, MB Docket No. 03-15, at 6-16 (filed April 21, 2003).

<sup>18</sup> See *Harris Comments* at 6-8; *ATSC Comments* at 2-3; *PTV Comments* at 22-24; *MSTV/NAB Comments* at 32-33; *Cox Comments* at 6; *Belo Comments* at 11-12; Comments of WatchTV, Inc., MB Docket No. 03-15, at 2-3 (filed April 21, 2003).



July 1, 2004. Given the strong support for such an intermediate coverage requirement and the lack of significant opposition thereto, the Commission need not wait until it completes its periodic review to take this important action. To facilitate orderly purchasing and installation of transmission equipment, the Commission should issue an Order establishing this deadline no later than September 30, 2003.

Respectfully submitted,

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